

1904-042 Chancery Causes: Josephine E. Moore to vs. S. S. Surgenor to  
Lee Co.

Thompson, Robinson, Weston, Gayne, Fletcher

CA-Estate Dispute

T-Property

To the Hon.H.A.W.Skeen, Judge of the Circuit Court for Lee County:

Humbly complaining your petitioners J.W.Moore and Josephine E. Moore would respectfully represent and show unto your honor as follows:

(1)-Your petitioner Josephine E.Moore was the daughter of Steven Thompson, late of this county, who died several years ago leaving several children and a tract of land lying in Lee County Virginia, said Steven Thompson died intestate and your said petitioner as one of his children inherited a portion of his said real estate; the said land was partitioned and your petitioner received her share of the said estate of her father; there was also laid off to Floyd H. Thompson another share in said land; the said Floyd H. Thompson sold his interest in said land to one A.R.Surgener and executed his title bond to said Surgener for the said land, the said Surgener in his life time paid the said Thompson for said tract of land but never made him a deed therefor; your petitioner was first married to John Surgener a son of the said A.R.Surgener, who after the death of A.R.Surgener, the said A.R.Surgener having died the owner of said tract of land bought from the said Floyd H. Thompson and also a large amount of other real estate; the said A.R.Surgener died intestate and the said John Surgener became entitled to an interest in his real estate; after the death of her said first husband and her said father-in-law, your petitioner brought suit in the circuit court for Lee County setting up her dower in said land; after some litigation in respect to the dower which was entitled to in said land the matter was compromised by a agreement between the parties, and a decree was entered in the said cause of Josephine Surgener vs James W.Orr Admr. et al whereby it was agreed that the said Josephine Surgener should have in fee simple in lieu of any dower interest, the said Floyd H. Thompson land which said Surgener had bought, as will appear by a copy of the said decree rendered in said cause, here filed as part of this bill and asked to be taken as part thereof; but it will be seen that no commissioner was appointed to convey the title from the heirs of the said A.R.Surgener to said Josephine



Surgener as should have been done; It is also seen from an examination of the facts just stated that Floyd H. Thompson had not parted with the legal title to said land, but the same remained in him.

(2)- When the said <sup>John Surgener</sup> your petitioner's first husband, died he was without issue and intestate, the remaining heirs therefore of the said A.R. Surgener are Susan Weston, wife of W.P. Weston, Sarah Jayne, S.S. Surgener and James Surgener.

(3)-Your petitioners will further represent and show your honor that about one year ago Floyd H. Thompson departed this life leaving a widow and three infant children, who are still infants, viz., Victoria Thompson, the widow, Ida Robinson, wife of Peter Robinson Hattie Thompson and "Tommie" Thompson.

(4)-Your petitioners further represent and show unto your honor that they have been in the possession of said Floyd H. Thompson tract of land ever since the date of the said decree in said cause which was entered on the 25th day of August. 1886, and have held the same openly, notoriously and adversely ever since.

(5)-Your petitioners will further represent and show unto your honor that several years ago they were married, and are now husband and wife, that by deed dated the \_\_\_\_ day of Aug, 1903, your petitioner conveyed both the tract of land acquired by her from her father by descent and the tract acquired by her under said decree to your said petitioner the said J.W. Moor in consideration of \$500 to be paid upon the death of either of your petitioners whichever should happen first.

The object therefore of your petitioners' bill is to quiet and extract the title to said land from the said heirs of the said A.R. Surgener and said Floyd <sup>JA</sup> Thompson, and to have a commissioner appointed to make said deed conveying their interest in said land to your petitioner the said J.W. Moore who under the said deed last aforesaid is now the legal owner of said land.

To this end therefore they pray that the said Susan Weston, Sarah Jayne, S.S. Surgener and James Surgener, Victoria Thompson,



Ida Robinson,an infant,Hattie Thompson.an infant,"Tommie"Thompson,  
an infant be made parties defendant to this bill of complaint and  
be required to answer the same but not under oath that being expressly  
waived,that a guardian ad litem be appointed to defend said infant  
defendants,that upon a hearing a decree be rendered directing a  
conveyance to be made of the legal and equitable title of said land  
to your said petitioner the said J.W.Moore;and may all other and  
furthur relief be granted your petitioners that the nature of their  
cause and good concience requires and they will ever pray &c.

*Thurmon Brown* - P.Q.



\*\*\*\*\*  
Joseph W. Moore et al,  
vs: Bill In Chancery,  
S.S. Surgener, et al.  
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\*\*\*\*\*  
Pennington Bros. P.Q.  
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To the Honorable H.A.W.Skeen Judge of the Circuit Court of Lee County, Virginia:

The answer of Victoria Thompson to a bill filed in your honor's Court by Josephine Moore and others against your respondent and others for answer in so far as she is advised that it is material for her to answer, answering says: That it is true that her husband Floyd H. Thompson is dead, but your respondent denies that her said husband in his life time, sold his interest in his Father's land to A.R. Surgener or John Surgener either, and she denies the right of the plaintiff to have title extracted from her or her children, of the land aimed at in the Plaintiff's bill.

Your respondent alleges that her said husband has been in the possession of said land every since she married him, which marriage occurred in Feb. 1888, down to the time of his death, about one year ago, and during all that time your respondent heard nothing of Plaintiffs claim to said land, and Floyd H. Thompson and your respondent lived on said land during all that time and exercised all the time acts of ownership, and paid no rents to Plaintiffs or any one else, and not till the death of your respondents Husband did she ever hear anything said about Plaintiffs claiming to own said land.

Your respondent denies that her said husband executed a title Bond to ~~John~~ Surgener, John Surgener or any one else, for his said land and she further denies every other allegation in said bill not herein before admitted, and calls for strict proof of the same.

Your respondent will further state to your honor that in any event she alleges that she is entitled to dower in the said lands of her deceased husband, she does not know of any law that will compel her to sign away her dower in said lands. Your respondent alleges that Floyd Thompson, her husband was seized and possessed of the lands described in Plaintiff's said bill during coverture, and that she is entitled to dower in the same, and to the end that her dower may be assigned she prays that her answer may be treated as a cross bill and that Commissioners be appointed to assign to her her dower in said land, and having answered as far as she is advised that it is necessary for her to answer, she prays hence to be dismissed with her reasonable costs expended, and she will ever pray & c.

M. G. E. G. P.D.



J. W. Moore et al,  
vs. { answer of  
Victoria Thompson  
L. S. Surger et al

Filed Nov 6<sup>th</sup> 1903  
A. B. Munsey Clerk



In the Circuit Court for the County of Lee,  
to wit:

THE ANSWER OF Ida. Robinson, Hattie Thompson and  
Loumie Thompson.

infants under the age of twenty-one years, by M. G. Ely,  
guardian *ad litem*, assigned to defend them in this suit, to a bill of complaint exhibited against  
them and others in the Circuit Court for the County of  
Lee, by M. G. Ely and others.

The respondent, reserving to themselves the benefit of all just exceptions to the said bill, for  
answer thereto, answering by said guardian *ad litem*, say that they are infants of tender  
years, and by reason of such disability are incapable of understanding, or of taking care of their  
rights and interests, they therefore commend the same to the protection of the court, and prays that  
no decree may be pronounced which will tend to their prejudice.

And having answered, the respondent pray to be hence dismissed with their reasonable costs,  
in this behalf expended; and they will ever pray, &c.

M. G. Ely Guardian *ad litem*.

p. d.

State of Va. County }  
OF } ss.  
Lee - }

This day, M. G. Ely, whose name is signed to  
the foregoing answer, personally appeared before me, A. B. Mursey,  
and made oath that the statements made therein, so far as they depend upon his own knowledge, are true,  
and so far as they depend upon knowledge derived from others he believes them to be true.

Given under my hand, this 5<sup>th</sup> day of Nov., 1903 - 189  

A. B. Mursey Clerk



*Joseph W. Moore, et al.*

*adv.*

}

ANSWER  
OF  
INFANT DEFENDANT.

*S. S. Linsinger, et al.*

*Filed Nov 16<sup>th</sup> 1903.*

*A B Munsey Clerk*



To the Honorable H.A.W.Skeen, Judge of the Circuit Court of Lee  
County Virginia:

The Demurer of Victoria Thompson, widow of Floyd H. Thompson  
dec. to a bill in Chancery filed in your honor's court by Josephine  
E. Moore and others against S.S. Surgener and others; for demurer your  
respondent says that said bill is not sufficient in law for the  
following reasons:

First---Because said bill does not set out the consideration, nor  
does it describe the land sufficiently to enforce specific performance  
of contract as to the sale of real estate.

Second:---Because it is not alleged in said bill that the "Title  
Bond" has been lost or mislaid and by diligent search can not be  
found.

Third:--- Because the plaintiffs are guilty of "laches" in  
bringing their suit and are barred by the Statute of limitation.

Fourth:---And for other reasons to be pointed out at bar.

M. G. Ely, P.D.



Josephine E. Moon et al  
vs { Defendant of W. Thos  
son -  
S. S. Surgeon et al.



J.W. Moore et als, Complainants,

vs

In chancery.

Musan Weston, Sarah Jayne, S.S. Surgener,  
Jas. Surgener, Victoria Thompson, Ida Thompson  
Hattie Thompson and Tommie Thompson, Defendants.

This cause came on this day to be heard upon the bill formerly read therein, the depositions of witnesses and was argued by counsel. On consideration of all which, and the court being of the opinion that the plaintiffs, Jos. W. Moore and Josephine E. Moore, are entitled to a conveyance of the interest of Floyd H. Thompson in the land of his father, Stephen Thompson, deceased, it appearing to the court that the said Floyd H. Thompson, in his life-time, sold his said interest in said land to A.R. Surgener and received the purchase price therefor, but has made no conveyance to the said Surgener, or his heirs, and it appearing to the court that the said J.W. Moore and Josephine E. Moore are the assignees of said A.R. Surgener of said land, and that the said J.W. Moore, by his deed from Josephine E. Moore, is now the owner of said interest in said land, it is therefore adjudged, ordered and decreed that R.L. Pennington, who is hereby appointed a special commissioner for the purpose, will make, execute and deliver to the said J.W. Moore a deed conveying said undivided interest of Floyd H. Thompson in the estate of his father, Stephen H. Thompson, with covenants of special warranty, and report his action to this court, it appearing to the court that the said Floyd H. Thompson is now dead and incapable of executing said deed, which he ought to have done in his life-time. And it now appearing to the court that the said R.L. Pennington, who was hereinbefore directed to make a conveyance of said interest of the said Floyd H. Thompson to the said J.W. Moore, has made said deed and reported the same in this cause, and the said deed being unexcepted to, is hereby approved



and confirmed, and the said Thompson will pay to the said T.I.  
Vernington, commissioner, the sum of \$5.00 for making said deed,  
to be taxed as part of the costs of this suit. And there  
remaining nothing further to be done in this cause, the same is  
stricken from the docket.

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J. E. Morris

✓ 33 Secs  
final

J. S. Sargent

En. C. B. No. 7, p. 394.

Ever this July  
18, 1901  
H. A. Sargent



Joseph W. Moore et al. Complainants  
vs In Chancery  
S. S. Sargant et al Defendants

This Cause comes on to be heard upon the bill of the Complainants & exhibits filed therewith & the answer of M. G. Eley Sargant as litigant for John Robinson Lattie Thompson & Thomas Thompson the infant defendants & the answer of Victoria Thompson & general replication thereto, & was argued by Counsel -

On consideration of all which, & it appearing to the Court that Susan Weston Sarah Payne, S. S. Sargant & John Sargant have been duly served with process for more than 15 days prior to the 12th day of this term & they failing to appear filed or answer, the said bill of the said Complainants is taken for confessed - This cause is continued -



W. Moore & Co  
733 D. Lane  
S. S. Sengerville

Entered this  
Nov. 17-1903  
H. A. W. S. Lane  
Entered Nov. 7-1903  
Chy. O. O. 7 P. 377



Virginia,

At a Circuit court continued and held for Lee county at the court house thereof, on wednesday, 25, day of August, 1886.

Josephine Surgener Admr., &c	Plaintiff.)
vs	) In Chancery
James W.Orr, Admr, & others	Defendants.)

On calling this cause it was announced at the bar that the parties had mutually agreed on a settlement of all matters involved in the suit, and that the terms of such settlement was reduced to writing, and filed among the papers as a part thereof and have agreed that the same should be entered as the decree of the court.

It is adjudged, ordered and decreed, pursuant to said agreement that the plaintiff be barred from setting up any further claim to dower in the real estate of A.R.Surgener dec'd, that she hold the house in which she now lives, and the garden situated on the 60 acre tract of land in the bill mentioned, until November 1st, 1886, and that she at once surrender to the estate of A.R.Surgener the residue of said 60 acre tract, and she is forever barred from setting up any claim thereto, and she will pay the widow and heirs of A.R. Surgener dec'd, the sum of \$45.00, with interest thereon from and after Nov. 1st, 1886 for the rent of the 60 acre tract of land for the year 1886, and she is forever barred from setting up any claim or prosecyting any demand against the Admr., and the estate of the said A.R.Surgener dec'd, and that she pay her own costs in this suit.

And it is further adjudged, ordered and decreed, that the widow and heirs of A.R.Surgener dec'd, surrender all right title and claim to the land in the bill mentioned bought by John Surgener from Floyd Thompson, to the plaintiff and that she take and hold the same in fee simple, and Floyd Thompson in whom the title to the same is vested, is at liberty to convey the title thereto to her, the Admr. of A.R.Surgener is forever barred from setting up or attempting to set up, any claim or demand against the estate of John Surgener dec'd, and the Admr, of A.R.Surgener shall pay his own costs of t this suit, The parties are hence dismissed and the cause stricken



from the docket.

A, Copy,

Teste; A. B. Mursey Clerk.



Josephine Surgener  
} Copy of Decree  
James W. Orr Admin

Clerk 25<sup>cts</sup>



To <sup>Sarah Jayne</sup> Susan Norton, D. S. Surgeons, James Surgeons  
Victoria Thompson, M. G. Eley guardian ad litem for  
Ida Robinson, Hattie Thompson "Thomas Thompson"

Take notice that we shall, on the 5<sup>th</sup> day of Oct 1903,  
at J. H. Cunningham's Law Office in the town of Jonesville  
Va.

between the hours of 8 A. M. and 8 P. M., on that day, proceed to take the depositions  
of S. S. Surgeons and others, to be read in evidence in our behalf,  
in a certain suit depending in the Circuit court for the County  
of Lee wherein you are Defendants  
and the one plaintiffs.

and if from any cause, the taking of the said depositions be not commenced on that day, or, if com-  
menced, be not concluded on that day, the taking of the same will be adjourned and contin-  
ued from day to day, or from time to time, at the same place and between the same hours, until  
the same shall be completed.

Very respectfully,

J. H. & J. E. Moore  
By P. B. B. Attys.



*J. W. Moore et al*

vs. }

NOTICE TO TAKE  
DEPOSITIONS.

*S. S. Surgener*

*P. Brown* p. q.

Virginia, Lee County, to wit:

I, J. W. Moore do hereby certify and make oath that on the 30th day of Oct. 1903, i delivered a true copy of the within notice to S. S. Surgener, James Surgener, Susaan Weston, Sarah Jayne and Victora Thompson.

*J W Moore*

Sworn to before me this the 5th day of October, 1903.

*J. B. Mansley*

Clerk of the Circuit Court of Lee County, Va.



The depositions of S.S.Surgener and others taken before me A.B.Munsey, Commissioner in Chancery for the Circuit Court for Lee County, pursuant to notice hereto attached at the law office of R.L. Pennington in the town of Jonesville, Va., on the 5th day of October 1803, to be read as evidence on the behalf of the plaintiff in a certain suit in Chancery pending in the circuit court for Lee County wherein J.W.Moore and others are plaintiffs and S.S.Surgener and others are defendants.

Present: R.L.Pennington, of counsel for Plaintiff.

M.G.Ely, guardian ad litem for infant defendants.

S.S.Surgener a witness of lawful age being first duly sworn deposes and says:

Ques.1- State your age, residence and occupation.

Ans.Age 40, residence Ann, Lee Co, Va., occupation Farmer and merchant.

Ques. What relation were you to A.R. and John Surgener deceased.

Ans. A.R.Surgener was my father and John Surgener was my brother.

Ques. Did you know Steven Thompson in his life time, and also Floyd Thompson in his life time?

Ans .I knew both Steven Thompson and Floyd Thompson, they are both dead now.

Ques. Which died first?

Ans. Steven Thompson died several year first.

Ques.  
What relation was Steven Thompson and Floyd Thompson?

Ans.Steven was the father of Foyd Thomson.

Ques.Did Steven Thompson leave any real estate at the time of his death, if so where was it situated?

Ans.He left a farm on the north side of Wladens ridge near the Beech Grove neighborhood. Beverly Thompson and Joseph More live on the farm now.

Ques. Do you know any thing about Flyd Thompson selling his interest in the said Steven Thompson land to A.R.Surgener or John Surgener or both, and if so was said sale in writing or not?

Ans. Yes I know that Floyd Thompson sold the land to my father and John



Surgener, and gave them a title bond for it. I have seen the title bond. It was written on a yellow piece of paper, which I think was torn from a yellow account book. When my father died <sup>as I remember</sup> I delivered the title bond to Judge Orr who was administrator of my father's estate.

Ques. Do you know any thing about a compromise that was made between Josphine E. Surgen, widown of John Surgener, who is now wife of J.W. Moore, in which it was agreed by you and the other heirs of A.R. Surgener agreed that Mrs. Josephine E. More, then Surgener, was to have the Floyd Thompson land in settlement of all claims against the A.R. Surgener estate?

Ans. Yes I helped to make that compromise, and myself and the other heirs agreed to give her that interest in said Thompson land. As I remember we all signed a writing to that effect.

And furthur this witness saith not.

Witness Claims 1 day 50  
 Mileage 24  
 74

*S. S. Surgener*



James M. Surgener a witness of lawful age being first duly sworn deposes and says.

Ques. 1- State your age, residence and occupation.

Ans. Age 47, residence Douglas, Lee Co, Va, occupation famer.

Ques. What relation were you to A.R. Surgener and John Surgener deceased?

Ans. I was a brother to John and son of A.R. Surgener.

Ques. Were you acquainted with Steven Thompson in his life time and Floyd Thompson?

Ans I was acquainted with them both.

Ques.

Which died first.

Ans. Steven died first.

Ques. Did Steven Thompson leave any real estate at the time of his death and if so where was it situated, and who lives on the land now?

Ans. Yes he left a farm situated on the north side of Waldens ridge in the Beech Grove neighborhood. Bev Thompson and J.W. Moore live on the land now.

Ques. Who lives on the Floyd Thompson share of the land, and who is cultivating and using it?

Ans. Joseph W. Moore. lives on the adjoining share and he is using and cultivating it.

Ques. How long has he been in possession of the land?

Ans It has been 16 years, or ever since we made the compromise with his wife, and since he has been married to Josephine E. Surgener.

I think they have been married 16 years, as I now remember.

Ques. Do you know any thing about Floyd Thompson selling his interest in the land to your father and brother John Surgener, and if so state whether said sale was in writing or not?

Ans. I had heard of the trade before my father died and after his death I saw the title bond between them. It was written on a piece of yellow paper that had been torn out of an account book.

Ques. Do you know any thing about a compromise having been made between Joseph E. Moore, then Surgener, widow of John Surgener and you and the other heirs of your father in which Mrs. Josephine E. Surgener was to have the Floyd Thompson interest in the Steve Thompson land for all her claims against your father's estate?

~~Ans. Yes. I was present at the compromise being made. I think we signed a paper to that effect.~~



Ans. Yes I remember about the compromise being made in that way. I think all of us heirs signed a paper to that effect.

Ques. Did you ever have any talk with Floyd Thompson about his having sold the land to your father and brother and about making a deed to the land?

Ans. Some five or six years ago at Yeary's stoe in this county I had a talk with him about the land and he said that he was willing to make the A.R.Surgener heirs a deed to the land but he would not make Joe W. More a deed. This was the meaning of what he said I do not know that these are the exact words he used. He talkes like the land was paid for.

And furthur this witness saith not.

Witness Claims 1 day 50  
 Mileage 24,  
 74

*James M. Surgener*



A.R.Fletcher, a witness of lawful age being first duly sworn deposes and says:

Ques. State your age residence and occupation.

Ans. ~~53~~ Age 53, reside at Beech Grove, Lee Co, occupation farmer.

Ques. Were you acquainted with A.R.Surgener, John Surgener, Steven Thompson and Floyd Thompson in their life time?

Ans I was acquainted with each of them.

Ques. Do you know any thing about a trade between A.R.Surgener and John Surgener and Floyd Thompson in which said Floyd Thompson sold his interest in his father Stevern Thompsons estate to said Surgeners?

Ans .Yes I heard Floyd Thompson say that he had sold his interest in the land to John Surgener and A.R.Surgener. Some time after the trade was made I bought one of the notes that was executed for the purchase price of the land. The note was made payable to Floyd Thompson and it was signed by both A.R and John Surgener. Floyd Thompson had first sold the note to Joe Thompson and Mr.Surgener had paid \$20 on the note to Joe, and I gave him a horse for the remainder of the note of \$80.00 The note states on its face it was for land, and I know it was this interest in the Thompson land. The Surgeners after I bought the note paid me the remainder on the note.

Ques. Are you acquainted with the share that was laid off as the Floyd Thompson interest in said land, and if so who has been in possession of it for the last 15 years.

Ans. Yes I am acquainted with the land. Before Joe Moore and his wife were married she was in possession of the land and since they were married Joe Moore has been in possession of the land. I think it has been 16 or 17 years since they were married. Before John Surgener died he farmed this land about a couple of years.

And furthur this witness saith not.

Witness Claims To  
1 day 50 Mileage 16. 66

A. R. Fletcher



Virginia, Lee County, to wit:

I, A.B. Munsey, Commissioner in Chancer for the Circuit Court for Lee county do hereby certify that the foregoing depositions of S.S. Surgener, A.R. Surgener, James M. Surgener and A.R. Fletcher, were duly taken, sworn to and subscribed before me at the time and place and for the purpose in the ~~XXXXXXXXXX~~ caption mentioned.

Given under my hand this the 5th day of Oct. 1903.

A.B. Munsey Comm in Chancery

Bill of costs:

Commissioner,	\$2.25
A.R. Fletcher, wit,	66
S.S. Surgener, ,,	74
J.M. Surgener wit,	74
	<u>\$4.39</u>



Josephine E. Moore

vs Depositions

S. S. Surgener et als

Taken before as Comr  
in Chancery and filed  
October the 5<sup>th</sup> 1903.

A. B. Munsey Clerk

Comr in Chcy	2.28.
S. S. Surgener et al	74
J. M. Surgener "	74
A. R. Fletcher "	66
	<u>\$4.39</u>



To Victoria Thompson, & M. G. Ely guardians and  
litigants for Lela Robinson, Hattie Thompson & Thomas  
Thompson

Take notice that we shall, on the 30th day of June 1904,  
at the residence of J. H. Moore, near New  
Lee Co Ky

between the hours of 8 A. M. and 8 P. M., on that day, proceed to take the depositions  
of Newton Thompson and others, to be read in evidence in our behalf,  
in a certain ~~Suit~~ depending in the Circuit court for the Co -  
of Lee wherein you are ~~you are~~ Defendants,  
and we are Plaintiffs,

and if from any cause, the taking of the said depositions be not commenced on that day, or, if com-  
menced, be not concluded on that day, the taking of the same will be adjourned and contin-  
ued from day to day, or from time to time, at the same place and between the same hours, until  
the same shall be completed.

Very respectfully,

J. H. & J. E. Moore  
By Counsel



*J. W. Moore* *et al*

vs.

NOTICE TO TAKE  
DEPOSITIONS.

*S. S. Sargent* *et al*

*P. Bros* — p. q.

League Service of the  
within notice is  
accepted, this June  
20, 1904 — m. H. G. L. A. L.  
for infants & atty for  
Victory Thompson.

The deposition of Nervesta Thompson and Beverly J. Thompson taken before me, O.M. Yeary, a notary public in and for the county of Lee and State of Virginia, at the residence of Joseph W. Moore, pursuant to notice hereto attached, on the 30th day of January, 1904, to be read as evidence in the behalf of the plaintiffs in a certain suit in Chancery pending in the Circuit Court for Lee County, wherein J.W. Moore et al are plaintiffs and S.S. Surgener et al are defendants.

Nervesta Thompson, a witness of lawful age being first duly sworn deposes and says:

Question. How old are you?

Ans. *I am 69 years of age*

Ques. What relation are you to Floyd H. Thompson, Deceased?

Ans. *He is my son.*

Ques. Do you know any thing about his selling out his interest in his father, Stephen Thompson's estate to A.R. Surgener and John Surgener?

Ans. *Yes. I know that he sold it.*

Ques. Did you ever hear him say any thing about having received the pay for the said land from Mr. Surgener or any one else?

Ans. *Yes I have heard him say that he received his pay.*

Question - Do you know who has had possession of the land?

Answer. *J. W. Moore has had possession of said land.*

Ques. Do you know whether Floyd H. Thompson sold his interest in said Stephen Thompson's land before <sup>or after</sup> he was married to

Victoria Thompson?

Ans: *He sold it before he was married*



And further this witness saith not.

Nervesta Thompson

Beverly Thompson, another witness of lawful age being first duly sworn deposes and says:

Ques. State your age, residence and relationship to Floyd H. Thompson?

Ans. Age 40 yrs. He is my brother.

Ques. Do you know any thing about Floyd H. Thompson selling out his interest in the estate of his father to A.R. Surgener?

Ans. I know he sold it.

Ques. Do you know whether he ever received pay for his land from Mr. Surgener or any one else? *Stole if you heard him say.*

Ans. I never heard him say anything his pay.

Ques. Do you know whether Floyd H. Thompson made this sale before or after he was married to Victoria Thompson?

Ans. He sold the land before he was married.

And further this witness saith not.

B. J. Thompson.

Virginia Lee County, to wit:

I O.M. Yeary, a notary public in and for the county and State aforesaid do hereby certify that the foregoing depositions of Beverly J. Thompson and Nervesta Thompson were <sup>duly</sup> taken, subscribed and sworn to before me at the time and place and for the purpose in the caption mentioned. Given under my hand this the 30th day Jan. 1904.

O.M. Yeary N.P.

My Commission  
Expires — Nov. 14, 1909

J. H. Moore et al

v. ~~3~~ Depositions

S. S. Sanger et al

Received by mail in  
good condition and filed  
February 4th 1904

H. C. T. Ewing Clerk

N.P. fee - \$1.00



J.W. Moore et als )

vs )

E.S. Surgener )

Report of Commissioner.

To the Honorable H.A.W. Skeen, Judge of the Circuit  
Court for Lee County.

Your undersigned special commissioner, who was appointed  
in the above styled cause by a decree entered therein, to make,  
execute and deliver to J.W. Moore a deed of conveyance for the  
interest of Floyd H. Thompson in the land described in this  
suit, begs leave to report that he has made the deed ordered to be  
made and herewith files the same as part of his report.

Respectfully submitted.

*Robert L. Pennington*  
Special Commissioner.

J. E. Moore

✓  $\frac{3}{4}$  Repmt of  
 $\frac{3}{4}$  dues -

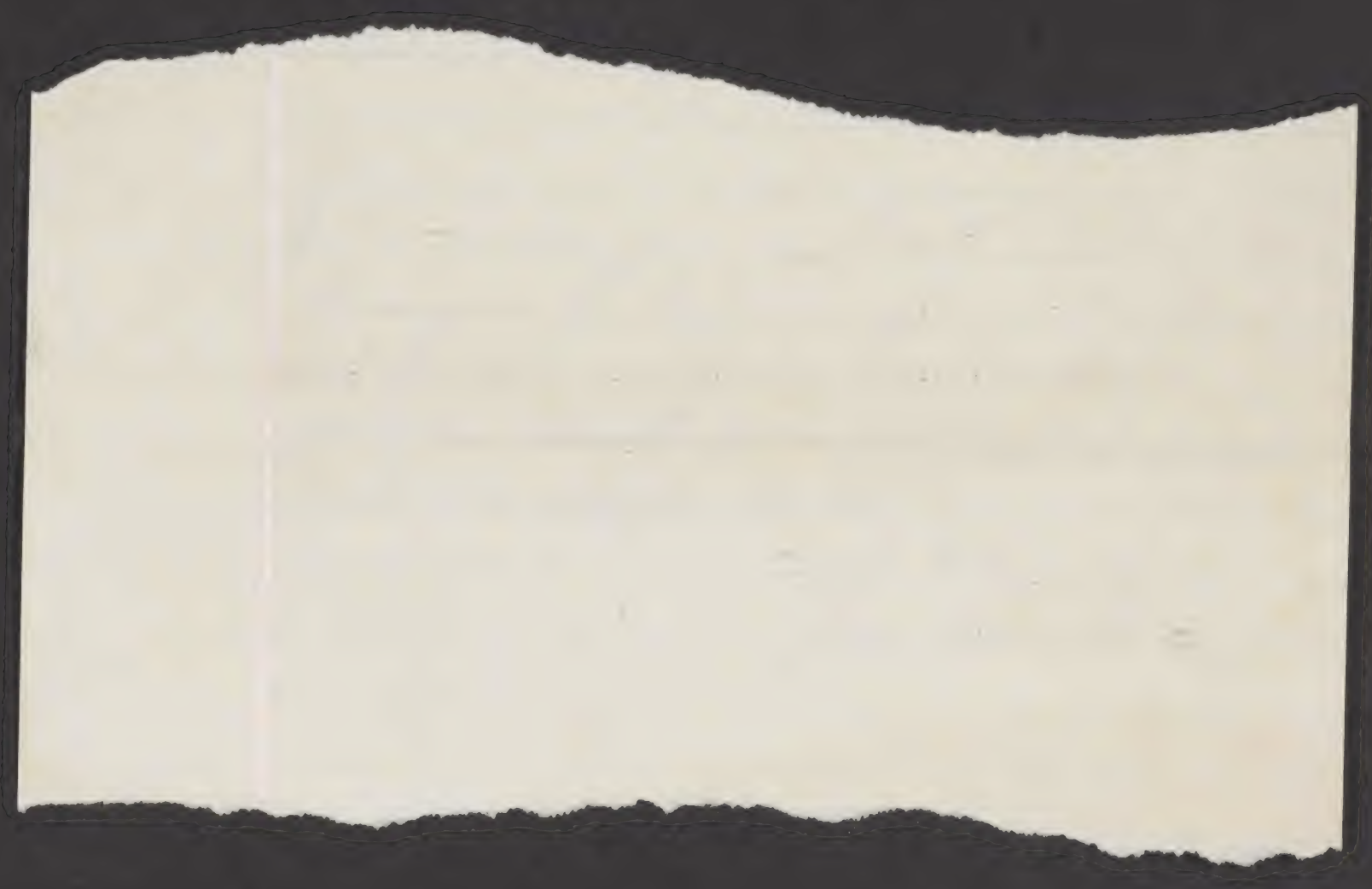
S. S. Sargent ~~Sec~~

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Indis. Feb. 15, 1901 -

H. T. Cwing Clerk





Receipt \$400



Southwest Virginian, }  
Jonesville, Va. } Form 100.

To ~~Susan Weston, Sarah Jayne, S.S. Sargener, James Sargener, Vireteria~~  
~~Thompson and M.C. Ely, guardian ad litem for Ida Robinson, Hattie~~  
~~Thompson and Tommie Thompson,~~

TAKE NOTICE THAT ~~we~~ shall on the ~~17th day of October, 1907~~ 189 at  
~~the residence of Joseph W. Moore in Lee County, Va.~~ near ~~post office~~ between the  
hours of ~~4~~ A. M. and ~~2~~ P. M., of that day, proceed to take the depositions of  
~~Beverly Thompson~~ and others, which, when taken, ~~are~~  
intended to be read as evidence in ~~our~~ behalf, in a certain suit in ~~chancery~~ now  
pending in the ~~Circuit~~ Court, of Lee County, Virginia, wherein you are ~~defendants~~  
and ~~we are plaintiffs~~; and if, from any cause, the taking of said depositions be not com-  
menced on that day, or, if commenced, be not concluded on that day, the taking of the same will be adjourned and con-  
tinued from day to day, or from time to time, and from place to place, or at the same place, until the same shall be com-  
pleted.

Respectfully yours,

*J. W. Moore*

By Pennington Bros. Attys.

For M. J. Eley, G. & L.

vs.

}

Notice to Take  
Depositions.

P. Q.

Executed Oct 8-1903  
by delivering a true copy  
of the within summons  
to M. J. Eley.  
D. B. Rymer D. C.  
for M. J. Rymer  
D. C.



The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon *Victoria Thompson, Hattie Thompson, (infant) "Lommie Thompson", (infant) Ida Robinson, (infant) Susan Weston, Sarah Jayne, S.S. Surgener, & James Surgener* to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules to be held for the said Court, on the: *1st* Monday in *October* 190*3*, to answer to a bill in chancery, exhibited against *Them* in our said Court by *Josephine E. Moore & J. M. Moore*

And have then there this writ. Witness. A. B. MUNSEY, Clerk of our said Court, at the court-house, the *30th* day of *September* 190*3* and in the *128th* year of the Commonwealth.

*A. B. Munsey Clerk*

Copies for  
Victoria Thompson  
Hattie Thompson  
Lommie Thompson  
Ida Robinson  
Susan Weston  
Sarah Jaynes  
S.S. Surgener &  
James Surgener

Form No. 300 1/2

Josephine E. Moore et al

vs.

SUBPOENA  
IN  
CHANCERY.

Victoria Thompson et al

Pennington Bros p. q.

To 1st October Rules

1903. Lee Circuit Court.

Executed Sept. 19<sup>th</sup> 1903  
by delivering a true copy of the  
within sup to all the defendants  
named within this subpoena  
written W. C. Smith & S.  
for W. J. Mulholland  
S. J. C



The Commonwealth of Virginia:

To the *Sherriff* of the *County of Hen*, Greeting:

WE COMMAND YOU, To summon

*S. S. Surgeon, Jones*  
*Surgeon*

*me a Notary Public in for the County & State of Virginia*  
to appear before the ~~Judge~~ of our ~~Court~~ of the ~~of~~ at  
*the law office of S. S. Surgeon in the town of Fourville &*  
the court house thereof, on the *5th* day of *October*, 190*3*, to testify and the  
truth to say in behalf of the *J. W. Moor Plaintiff*

*Circuit* in a certain matter of controversy  
in our ~~said~~ court, before the said Judge depending and undetermined, between

*J. W. Moor et al* Plaintiffs,

and

*S. S. Surgeon et al* Defendant;

And have then there this writ. Witness *W. E. Clements A. P.* Clerk of  
our said Court, at the court house, the *29th* day of *Sept*, 190*3* and in  
the 12 *8* year of the Commonwealth.

*W. E. Clements*  
*W. E.*

40  
50

FORM No. 204.

*J. M. Moore et al*

*vs.*

SUBPENA  
FOR  
WITNESS

*S. S. Senger*  
*et al*

..... Court,

the ..... day of .....

190.....

*We hereby accept  
legal service of  
the, within summons.*

*J. M. Senger*  
*S. S. Senger*



Joseph H. Moore et al

v. ~~3~~ In Chancery

S. S. Surgeon et al

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~~Remittitur~~ Bros & G.

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1903. 1st October rules Bill  
filed Spa executed & D.N.

" 2nd October rules D.N.  
Confirmed & Cause set for  
hearing

# Plaintiffs Costs

Munsey clerk 3.67 Paid

Ewing clerk 4.71 Paid

Tax 1.50 Paid

Sherriff #45 4.90

G.A.L 5.00 Paid

Munsey Comm in Chy 2.25

O M Yeary R.P. 1.00

Witnesses 2.14

R.L.P. Comm 5.00

\$26.17

5.27

\$20.90